

ORDINANCE NO. 3696  
ORDINANCE OF THE COUNCIL OF THE CITY OF PALO ALTO  
ADDING CHAPTER 18.48 TO TITLE 18 (ZONING CODE) TO  
CREATE A COMMERCIAL DOWNTOWN (CD) DISTRICT

WHEREAS, the pace of development activity in Downtown Palo Alto soared in the early 1980s, recreating a vitality in the Downtown, but causing problems and undesired effects such as parking deficits and traffic congestion; and

WHEREAS, citizens have expressed concern about the compatibility of large commercial projects with nearby residential neighborhoods; and

WHEREAS, the City Council adopted interim parking regulations and a moratorium in the Downtown so that staff and a citizens' advisory committee could study solutions to the problems of overdevelopment; and

WHEREAS, the City Council has adopted goals and strategies for the Downtown, upon recommendation of the Downtown Study Committee and the Planning Commission; and

WHEREAS, the City wishes to limit nonresidential development in the Downtown to ten percent (350,000 square feet) above the development existing or approved in May 1986; and

WHEREAS, a focused Environmental Impact Report has been prepared by staff and reviewed by the City Council in preparation for the adoption of ordinances regulating commercial development, land use and parking in the Downtown.

NOW, THEREFORE, the Council of the City of Palo Alto does ORDAIN as follows:

SECTION 1. Chapter 18.48 (CD Commercial Downtown District Regulations) is hereby added to the Palo Alto Municipal Code to read:

Chapter 18.48

CD COMMERCIAL DOWNTOWN DISTRICT REGULATIONS

Sections:

- 18.48.010 Specific purposes.
- 18.48.020 Applicability of regulations.
- 18.48.030 Repeal of regulations.
- 18.48.040 General regulations.
- 18.48.050 Permitted and conditional uses.
- 18.48.060 Site development regulations.



- 18.48.070 Additional regulations in the CD-C subdistrict.
- 18.48.080 Additional regulations in the CD-S subdistrict.
- 18.48.090 Additional regulations in the CD-N subdistrict.
- 18.48.100 Parking regulations.
- 18.48.110 Pedestrian regulations.
- 18.48.120 Ground floor regulations.
- 18.48.130 Historic preservation.

18.48.010 Specific purposes. The CD commercial downtown district is intended to be a comprehensive zoning district for the downtown business area, accommodating a wide range of commercial uses serving city-wide and regional business and service needs, as well as providing for residential uses and neighborhood service needs. The CD commercial downtown district is specifically created to promote the following objectives in the downtown area of Palo Alto: (1) control the rate and size of commercial development; (2) preserve and promote ground floor retail uses; (3) enhance pedestrian activity; (4) create harmonious transitions from the commercial areas to the residential areas; and (5) where applied in conjunction with chapter 16.49 of the Palo Alto Municipal Code, preserve historic buildings.

18.48.020 Applicability of regulations. This chapter shall apply to the CD commercial downtown district, including subdistricts designated as CD-C (community), CD-S (service) and CD-N (neighborhood) and site development areas within the CD district, as shown on Maps 1, 2 and 3 incorporated within this chapter.

18.48.030 Repeal of regulations. Beginning on the effective date of this chapter, the department of planning and community environment shall monitor the number of square feet approved for nonresidential development in the CD district and the number of square feet approved for nonresidential development pursuant to a planned community (PC) zone (chapter 18.68) if the site of the PC zone was within the CD district on the effective date of this chapter. When three hundred and fifty thousand (350,000) square feet of nonresidential development have received final design review approval pursuant to chapter 16.48 or have received building permits, if no design approval is required, this chapter shall be repealed and a moratorium shall be imposed. This moratorium shall prohibit the city's acceptance or processing of any application for planning approval or a building permit for new nonresidential square footage in the CD district. This moratorium shall remain in effect



for one (1) year while the city undertakes a study of what regulations would be appropriate in the CD district. The moratorium may be extended by the council until such study is completed and appropriate regulations are implemented.

**18.48.040 General regulations.** The general regulations set forth below shall apply throughout the CD district.

(a) **Project Size Limit.** All nonresidential projects (new construction and expansions) or nonresidential components of a mixed use project on a site shall be limited to twenty-five thousand (25,000) gross square feet of floor area or fifteen thousand (15,000) gross square feet above the existing floor area, whichever is greater, provided the floor area limits set forth in this chapter are not exceeded.

(b) **Nonconforming Uses.** Any use existing on the effective date of an ordinance applying the CD zone or applying the GF combining district to the property where such use exists and which, prior to that date, was a lawful conforming permitted use or conditional use operating subject to a conditional use permit, shall be deemed to be a conforming use. Such uses shall be permitted to remodel, improve or replace site improvements on the same site without necessity to comply with site development regulations for continual use and occupancy by the same use. Any such remodeling, improvement or replacement shall result in increased floor area, height, length or any other increase in the size of the improvement only pursuant to the exceptions to floor area ratio regulations set forth in section 18.48.060. For purposes of this section, an existing use is defined as:

1. A use being conducted on the effective date of an ordinance applying the CD zone or applying the GF combining district to the property where such use exists; or

2. A use not being conducted on the effective date of an ordinance applying the CD zone or applying the GF combining district to a property, if the use is temporarily discontinued due to a vacancy of six (6) months or less before the effective date of an ordinance applying the CD zone or applying the GF combining district to the property where such use existed. If a use is deemed existing pursuant to this subsection, but remains discontinued for twelve (12) consecutive months, it shall be considered abandoned and may be replaced only by a conforming use.



(c) **Noncomplying Facilities.** Chapter 18.94 notwithstanding, a noncomplying facility existing on the effective date of this chapter and which, when built, was a complying facility, shall be deemed to be complying. Such a facility shall be permitted to be remodeled, improved or replaced without necessity to comply with site development regulations. Any such remodeling, improvement or replacement shall result in increased floor area, height, length or any other increase in the size of the facility only pursuant to the exceptions to floor area ratio regulations set forth in section 18.48.060.

(d) **Prohibition of Nuisance.** All uses, whether permitted or conditional, shall be conducted in such a manner so as to preclude any nuisance, hazard, or commonly recognized offensive conditions or characteristics, including creation or emission of dust, gas, smoke, noise, fumes, odors, vibrations, particulate matter, chemical compounds, electrical disturbance, humidity, heat, cold, glare, or night illumination. Prior to issuance of a building permit or occupancy permit, or at any other time, the chief building official may require evidence that adequate controls, measures, or devices have been provided to ensure and protect the public interest, health, comfort, convenience, safety, and general welfare from such nuisance, hazard, or offensive condition.

(e) **Requirement for Showers.** Employee shower facilities shall be provided for any new building constructed or for any addition to or enlargement of any existing building in compliance with the following table:

<u>USE</u>	<u>GROSS FLOOR AREA OF NEW CONSTRUCTION (IN SQUARE FEET)</u>	<u>NUMBER OF SHOWERS REQUIRED</u>
Medical, professional, general business offices, financial services, business and trade schools, and general business services	0 - 9,999	No Requirement
	10,000 - 19,999	1
	20,000 - 49,999	2
	50,000 and up	4



<u>USE</u>	<u>GROSS FLOOR AREA OF NEW CONSTRUCTION (IN SQUARE FEET)</u>		<u>NUMBER OF SHOWERS REQUIRED</u>
Retail, personal, and eating and drinking services	0 - 24,999		No Requirement
	25,000 - 49,999		1
	50,000 - 99,999		2
	100,000 and up		4

(f) Sites Abutting Residential Development. Sites abutting or having any portion located within forty-five point seven (45.7) meters (one hundred and fifty (150) feet) of any RE, R-1, R-2, RM, or any PC district permitting single family development or multiple family development shall be subject to the following additional height and yard requirements:

1. The maximum height within forty-five point seven (45.7) meters (one hundred and fifty (150) feet) of any RE, R-1, R-2, RM, or applicable PC district shall not exceed the height limit of the most restrictive residential zone within one hundred and fifty (150) feet.

2. On any portion of a site in the CD district which abuts a site in any RE, R-1, R-2, RM, or applicable PC district, a minimum interior yard of three (3) meters (ten (10) feet) shall be required, and a solid wall or fence between one point five and two point four (1.5-2.4) meters (five and eight (5-8) feet) in height shall be constructed and maintained along the common site line. The minimum interior yard shall be planted and maintained as a landscaped screen.

3. On any portion of a site in the CD district which is opposite from a site in RE, R-1, R-2, RM, or applicable PC district and separate therefrom by a street, alley, creek, drainage facility, or other open area, a minimum yard of three (3) meters (ten (10) feet) shall be required. The minimum yard shall be planted and maintained as a landscaped screen, excluding areas required for access to the site.

4. Sites sharing a common block face with any RE, R-1, R-2, RM, or applicable PC district permitting single family or multiple family development shall have a minimum street setback equal to the residentially zoned setback for forty-five point seven (45.7) meters (one hundred and fifty (150) feet) from the single family or multiple family development.



**18.48.050 Permitted and conditional uses.** The permitted and conditional uses in the CD-C, CD-S and CD-N subdistricts are set forth in the following matrix:

<u>USES</u>	<u>CD-C</u>	<u>CD-S</u>	<u>CD-N</u>
Accessory facilities and uses customarily incidental to permitted uses:	Permitted	Permitted	Permitted
Administrative office services as limited by section 18.48.080(d):	Not Allowed	Permitted	Not Allowed
Ambulance services:	Conditional	Conditional	Conditional
Animal care, but excluding boarding and kennels:	Permitted	Permitted	Permitted
Animal care, including boarding and kennels:	Not Allowed	Conditional	Not Allowed
Automotive services:	Not Allowed	Conditional	Not Allowed
Automobile service stations, subject to site and design review in accordance with the provisions of chapter 18.82:	Conditional	Conditional	Conditional
Business and trade schools:	Permitted	Permitted	Not Allowed
Churches and religious institutions:	Permitted	Permitted	Conditional
Commercial recreation:	Conditional	Conditional	Conditional
Convalescent facilities:	Permitted	Permitted	Conditional
Day care centers, large day care homes, small day care homes and residential care homes:	Permitted	Permitted	Permitted

<u>USES</u>	<u>CD-C</u>	<u>CD-S</u>	<u>CD-N</u>
Drive-in services or take-out services, associated with permitted uses, so long as drive-up facilities, excluding car-washes, provide full access to pedestrians and bicyclists. A maximum of two such services shall be permitted within 304.8 meters (1,000 feet) and each use shall not be less than 45.7 meters (150 feet) from one another:	Conditional	Conditional	Conditional
Eating and drinking services, except drive-in and take-out services:	Permitted	Permitted	Permitted
Farmers' markets:	Conditional	Conditional	Conditional
Financial services, except drive-in services:	Permitted	Permitted	Conditional
General business services:	Conditional	Permitted	Not Allowed
Home occupations, when accessory to permitted residential uses:	Permitted	Permitted	Permitted
Hotels without kitchens:	Permitted	Permitted	Not Allowed
Hotels with not more than ten percent (10%) of rooms with kitchens:	Conditional	Conditional	Not Allowed
Hotels built after August 5, 1985, having an unlimited number of rooms with kitchens:	Conditional	Conditional	Not Allowed
Liquor stores:	Permitted	Permitted	Conditional



<u>USES</u>	<u>CD-C</u>	<u>CD-S</u>	<u>CD-N</u>
Lodging:	Permitted	Permitted	Permitted
Medical, professional and general business offices:	Permitted	Permitted*	Permitted**
Mortuaries:	Permitted	Permitted	Conditional
Outdoor recreation services:	Conditional	Conditional	Conditional
Parking as a principal use:	Conditional	Conditional	Not Allowed
Personal services:	Permitted	Permitted	Permitted
Private clubs, lodges or fraternal organizations:	Permitted	Permitted	Conditional
Private educational facilities:	Permitted	Permitted	Conditional
Retail services	Permitted	Permitted	Permitted***
Shopping centers	Permitted	Not Allowed	Not Allowed
Single family uses, two family uses and multiple family uses:	Permitted	Permitted	Permitted
Tire, battery and automotive service facilities, when operated incidental to a permitted retail service or shopping center having a gross floor area of more than thirty thousand (30,000) square feet:	Conditional	Not Allowed	Not Allowed

\* As limited by section 18.48.080(d) below.

\*\* As limited by section 18.48.090(d) below.

\*\*\* Excluding liquor stores, which are conditional uses.



<u>USES</u>	<u>CD-C</u>	<u>CD-S</u>	<u>CD-N</u>
Temporary parking facilities, provided that such facilities shall remain no more than five (5) years:	Conditional	Conditional	Conditional
Transportation terminals:	Not Allowed	Conditional	Not Allowed
Utilities facilities essential to provision of utility services, but excluding construction or storage yards, maintenance facilities or corporation yards:	Conditional	Conditional	Conditional
Warehousing and distribution:	Not Allowed	Conditional	Not Allowed

18.48.060 Site development regulations. The site development regulations in the CD-C, CD-S and CD-N subdistricts are set forth in the following matrix, provided that more restrictive regulations may be recommended by the architectural review board and approved by the director of planning and community environment, pursuant to chapter 16.48. General regulations that apply throughout the CD district are set forth in section 18.48.040. Additional regulations for the CD-C subdistrict are set forth in section 18.48.070. Additional regulations for the CD-S subdistrict are set forth in section 18.48.080. Additional regulations for the CD-N subdistrict are set forth in section 18.48.090.

<u>SITE DEVELOPMENT REGULATIONS</u>	<u>CD-C*</u>	<u>CD-S*</u>	<u>CD-N*</u>
Area:	No requirement	No requirement	No requirement
Width:	No requirement	No requirement	No requirement
Depth:	No requirement	No requirement	No requirement

\* These regulations may be modified by the regulations set forth in sections 18.48.040, 18.48.070, 18.48.080 and/or 18.48.090.



<u>SITE DEVELOPMENT REGULATIONS</u>	<u>CD-C*</u>	<u>CD-S*</u>	<u>CD-N*</u>
Front yard:	No requirement	No requirement	Minimum 10 feet planted and maintained as a landscape screen, excluding area required for site access.
Rear yard:	No requirement	No requirement	No requirement
Side yard:	No requirement	No requirement	No required interior; minimum street side yard 6.1 meters (20 feet).
Floor area ratio (FAR):	1.0 to 1	0.4 to 1	0.4 to 1

\* These regulations may be modified by the regulations set forth in sections 18.48.040, 18.48.070, 18.48.080 and/or 18.48.090.

(a) For purposes of calculating floor area ratio for nonresidential uses under this chapter, "gross floor area" includes not only the area defined in section 18.04.030(65), but also all covered at or above grade parking for nonresidential uses, no matter how slightly above grade such parking is.

(b) Exceptions to FAR regulations:

1. When a building is being expanded, square footage which, in the judgment of the chief building official, does not increase the usable floor area, but is necessary to conform the building to Title 24 of the California Administrative Code, regarding handicapped access, shall not be counted as floor area.

2. When a building that is in Seismic Category I, II or III is being seismically rehabilitated to the analysis standards referenced in chapter 16.42 of this code, such building shall be allowed to increase its floor area by two thousand and five hundred (2,500) square feet or by twenty-five percent (25%) of the



existing building, whichever is greater without having this increase count toward the FAR; however, all square footage shall be counted as square footage for the purposes of the three hundred and fifty thousand (350,000) square foot limit on development (section 18.48.030) and the project size limit (section 18.48.040(a)) and in no event shall a building expand beyond a FAR of 3.0 to 1 in the CD-C subdistrict and a FAR of 2.0 to 1 in the CD-S and CD-N subdistricts. This exception shall be allowed on a site only once.

3. A building that is in Historic Category 1 or 2 (and which is not in Seismic Category I, II or III) shall be allowed to increase its floor area by two thousand and five hundred (2,500) square feet or by twenty-five percent (25%) of the existing building, whichever is greater without having this increase count toward the FAR; however, all square footage shall be counted as square footage for the purposes of the three hundred and fifty thousand (350,000) square foot limit on development (section 18.48.030) and the project size limit (section 18.48.040(a)) and in no event shall a building expand beyond a FAR of 3.0 to 1 in the CD-C subdistrict and a FAR of 2.0 to 1 in the CD-S and CD-N subdistricts. This exception shall be allowed on a site only once.

4. A building that is not in Historic Category 1 or 2 nor in Seismic Category I, II or III shall be allowed to increase its floor area by two hundred (200) square feet without having this increase count toward the FAR; however, all square footage shall be counted as square footage for the purposes of the three hundred and fifty thousand (350,000) square foot limit on development (section 18.48.030) and the project size limit (section 18.48.040(a)) and in no event shall a building expand beyond a FAR of 3.0 to 1 in the CD-C subdistrict and a FAR of 2.0 to 1 in the CD-S and CD-N subdistricts. This exception shall be allowed on a site only once.

5. In the CD-S and CD-N subdistricts, (i) RM(3) or RM(2) density shall apply to residential developments and (ii) in a mixed residential and nonresidential development, RM(3) or RM(2) density shall be allowed in addition to the 0.4 nonresidential FAR. In no case shall the floor area ratio of the nonresidential uses exceed the base FAR set forth above.

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CD-S

(See Map 2)  
RM-3 density, except RM-2  
density in Areas 1 and 2

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CD-N

(See Map 3)  
RM-3 density, except RM-2  
density in Areas 1 and 2



**SITE  
DEVELOPMENT  
REGULATIONS**

**CD-C**

**CD-S**

**CD-N**

Site coverage:	No requirement	No requirement	Maximum of 50% of site.
Height:	50 foot maximum	50 foot maximum	25 foot maximum, except 35 foot maximum where one or more floors of principal facility are in residential use.
Accessory facilities uses:	Regulations governing accessory facilities and uses, and governing the application of site and development regulations in specific instances are established by chapter 18.88.		

18.48.070 Additional regulations in the CD-C subdistrict. The following additional regulations shall apply in the CD-C subdistrict:

(a) Outdoor Sales and Storage. All permitted office and commercial activities shall be conducted within a building, except for incidental sales and display of plant materials and garden supplies occupying no more than one hundred and eighty-six (186) square meters (two thousand (2,000) square feet) of exterior sales and display area, and except for outdoor eating areas operated incidental to permitted eating and drinking services, and except for farmers' markets which have obtained a conditional use permit. Any permitted outdoor activity in excess of one hundred and eighty-six (186) square meters (two thousand (2,000) square feet) shall be subject to a conditional use permit. Exterior storage shall be prohibited.

(b) Usable Open Space. For exclusive residential use of any site, not less than twenty-seven point nine (27.9) square meters (three hundred (300) square feet) of usable open space per each dwelling unit shall be provided on the site. For mixed residential and nonresidential use on any site, no usable open space shall be required.



(c) Daylight Plane. Sites sharing any lot line with one or more sites in any RE, R-1, R-2, RM, or any residential PC district shall be subject to a maximum height established by daylight planes that are identical to the daylight plane requirements of the most restrictive residential district abutting each such side or rear site line. Such daylight planes shall begin at the applicable side or rear site lines and increase at the required slope from these site lines until intersecting the height limit otherwise established for the CD-C subdistrict.

(d) Residential Density. For exclusive residential use on any site or for mixed residential and nonresidential use on any site, the minimum site area per dwelling unit shall be two hundred thirty-two (232) square meters (two thousand five hundred (2,500) square feet) for the first dwelling unit and eighty-three point six (83.6) square meters (nine hundred (900) square feet) for each additional dwelling unit. In computing residential densities for mixed residential and nonresidential uses, there shall be no deduction for that portion of site area in nonresidential use. In developments of ten (10) or more units, where below market rate (BMR) housing units are provided, these residential density levels may be exceeded by one additional housing unit for each BMR unit provided, up to an increase of fifteen percent (15%) over the otherwise prescribed number of units. All other site development regulations shall apply, including, but not limited, to the floor area ratio set forth in 18.48.060.

18.48.080 Additional regulations in the CD-S subdistrict. The following additional regulations shall apply in the CD-S subdistrict:

(a) Outdoor Sales and Storage. Outdoor sales and display of merchandise, and outdoor eating areas operated incidental to permitted eating and drinking services shall be permitted subject to the following regulations:

1. Outdoor sales and display shall not occupy a total site area exceeding the gross building floor area on the site, except as authorized by a conditional use permit.

2. Areas used for outdoor sales and display of motor vehicles, boats, campers, camp trailers, trailers, trailer coaches, house cars, or similar conveyances shall meet the minimum design standards applicable to off-street parking facilities with respect to paving,



grading, drainage, access to public streets and alleys, safety and protective features, lighting, landscaping, and screening.

3. Exterior storage shall be prohibited, unless screened by a solid wall or fence of between one point five and two point four (1.5-2.4) meters (five and eight (5-8) feet) in height.

(b) Usable Open Space. For exclusive residential use of any site, not less than twenty-seven point nine (27.9) square meters (three hundred (300) square feet) of usable open space per each dwelling unit shall be provided on the site. For mixed residential and nonresidential use on any site, no usable open space shall be required.

(c) Daylight Plane. Sites sharing any lot line with one or more sites in any RE, R-1, R-2, RM, or any residential PC district shall be subject to a maximum height established by a daylight plane beginning at a height of three (3) meters (ten (10) feet) at the applicable side or rear site lines and increasing at a slope of one (1) meter for each two (2) meters of distance from the side or rear site lines until intersecting the height limit otherwise established for the CD-S subdistrict; provided, however, that for a use where the gross floor area excluding any area used exclusively for parking purposes, is at least sixty percent (60%) residential, the daylight planes may be identical to the daylight plane requirements for the most restrictive residential district abutting each side or rear site line until intersecting the height limit otherwise established for the CD-S subdistrict. If the residential daylight plane, as allowed in this section, is selected, the setback regulations of the same adjoining residential district shall be imposed.

(d) Office Uses. Office uses shall be governed by the following additional regulations:

1. No new gross square footage of a medical, professional or general business or administrative office use shall be allowed, once the gross square footage of such office uses, or any combination of such uses, on a site has reached five thousand (5,000) gross square feet.

2. No conversion of gross square footage from any other use to a medical, professional or general business or administrative office use shall be allowed once the



gross square footage of such office uses, or any combination of such uses, on a site has reached five thousand (5,000) gross square feet.

3. Medical, professional or general business or administrative office uses existing on the effective date of this subsection and which, prior to that date, were lawful conforming permitted uses or conditional uses operating subject to a conditional use permit shall be deemed to be conforming uses. Such uses shall be permitted to remodel, improve, or replace site improvements on the same site without having to comply with section 18.48.070(d)(1) or (2); provided, that any such remodeling, improvement or replacement shall not result in increased floor area devoted to such office uses.

18.48.090 Additional regulations in the CD-N subdistrict. The following additional regulations shall apply in the CD-N subdistrict:

(a) Outdoor Sales and Storage. All permitted office and commercial activities shall be conducted within a building, except for incidental sales and display of plant materials and garden supplies occupying not more than forty-six point five (46.5) square meters (five hundred (500) square feet) of exterior sales and display area, and except for farmers' markets which have obtained conditional use permits.

(b) Usable Open Space. For exclusive residential use on any site, not less than forty-one point eight (41.8) square meters (four hundred and fifty (450) square feet) of usable open space per each dwelling unit shall be provided on the site. For mixed residential and nonresidential use on any site, no usable open space shall be required.

(c) Daylight Plane. Sites sharing any lot line with one or more sites in any RE, R-1, R-2, RM, or any residential PC district shall be subject to a maximum height established by a daylight plane beginning at a height of three (3) meters (ten (10) feet) at the applicable side or rear site lines and increasing at a slope of one (1) meter for each two (2) meters of distance from the side or rear site lines until intersecting the height limit otherwise established for the CD-N subdistrict; provided, however, that for a use where the gross floor area excluding any area used exclusively for parking purposes, is at least sixty percent (60%) residential, the daylight planes may be identical to the daylight plane requirements for the most restrictive residential district abutting each side or rear site



line until intersecting the height limit otherwise established for the CD-N subdistrict. If the residential daylight plane, as allowed in this section, is selected, the setback regulations of the same adjoining residential district shall be imposed.

(d) Size of Office Uses. Office uses shall be governed by the following additional regulations:

1. No new gross square footage of a medical, professional or general business office use shall be allowed, once the gross square footage of such office uses, or any combination of such uses, on a site has reached five thousand (5,000) gross square feet.

2. No conversion of gross square footage from any other use to a medical, professional or general business office use shall be allowed once the gross square footage of such office uses, or any combination of such uses, on a site has reached five thousand (5,000) gross square feet.

3. Medical, professional or general business office uses existing on the effective date of this subsection and which, prior to that date, were lawful conforming permitted uses or conditional uses operating subject to a conditional use permit shall be deemed to be conforming uses. Such uses shall be permitted to remodel, improve, or replace site improvements on the same site without having to comply with section 18.48.080(d) (1) or (2); provided that any such remodeling, improvement or replacement shall not result in increased floor area devoted to such office uses.

(e) Size of Commercial Establishments. Permitted commercial uses shall not exceed the floor area per individual use or business establishment shown in the following table. Such uses may be allowed to exceed the maximum establishment size, subject to issuance of a conditional use permit in accord with chapter 18.90. The maximum establishment size for any conditional use shall be established by the zoning administrator and specified in the conditional use permit for such use.

<u>USE</u>	<u>MAXIMUM GROSS FLOOR AREA</u>
Personal Services:	232 Square Meters (2,500 Square Feet)
Retail Services, Except Grocery Stores	1,394 Square Meters (15,000 Square Feet)



<u>USE</u>	<u>MAXIMUM GROSS FLOOR AREA</u>
Grocery Stores	1,858 Square Meters (20,000 Square Feet)
Eating and Drinking Services	465 Square Meters (5,000 Square Feet)

18.48.100 Parking regulations. The provisions of chapter 18.83 regarding loading requirements, bicycle facility requirements, parking requirements for residential uses, and parking requirements for nonresidential uses outside a parking assessment district, formed and assessed under Bond Plan G financing pursuant to Title 13, shall apply in the CD district. However, with respect to on-site and off-site parking space requirements for nonresidential uses within an assessment district wherein properties are assessed under a Bond Plan G financing pursuant to Title 13, the following requirements shall apply in the CD district in lieu of the requirements of chapter 18.83:

(a) On-Site Parking. Any new development, any addition or enlargement of existing development, or any use of any floor area that has never been assessed under any Bond Plan G financing pursuant to Title 13, shall provide one (1) parking space for each two hundred and fifty (250) gross square feet of floor area, except as may be exempt from such requirement by the provisions of subsection (b). The purpose of this subsection is to regulate the number of parking spaces required. Requirements for the size and other design criteria for parking spaces shall continue to be governed by the provisions of chapter 18.83.

(b) Exceptions. The requirement for on-site parking provided in subsection (a) shall not apply in the following instances:

1. Square footage for:

(i) Handicapped access which does not increase the usable floor area, as determined pursuant to section 18.48.060(b)(1).

(ii) An increase in square footage in conjunction with seismic rehabilitation, pursuant to section 18.48.060(b)(2).

(iii) An increase in square footage of a historic building, pursuant to section 18.48.060(b)(3).

(iv) A minor increase of two hundred (200) square feet or less, pursuant to section 18.48.060(b)(4).

(v) At or above grade parking, though included in the FAR calculations, as set forth in section 18.48.060(a), shall not be subject to the on-site parking regulations of subsection (a) above.

2. Vacant parcels shall be exempt from the requirements of subsection (a) at the time when development occurs as provided herein. Such development shall be exempt to the extent of zero point three (0.3) parking spaces for every one thousand (1,000) square feet of site area, provided that such parcels were at some time assessed for parking under a Bond Plan E financing pursuant to chapter 13.16 or were subject to other ad valorem assessments for parking.

3. No new parking spaces will be required for a site in conjunction with the development or replacement of the amount of floor area used for nonresidential use equal to the amount of adjusted square footage for the site shown on the engineer's report for fiscal year 1986-87 for the latest Bond Plan G financing for parking acquisition or improvements in that certain area of the city delineated on the map of the University Avenue parking assessment district entitled, "Proposed Boundaries of University Avenue Off-Street Parking Project #75-63 Assessment District, City of Palo Alto, County of Santa Clara, State of California," dated October 30, 1978, and on file with the city clerk. However, square footage which was developed for nonresidential purposes or which has been used for nonresidential purposes but which is not used for such purposes due to vacancy at the time of the engineer's report shall be included in the amount of floor area qualifying for this exemption. No exemption from parking requirements shall be available where a residential use changes to a nonresidential use.

(c) Off-Site Parking. Parking required by this chapter may be provided by off-site parking, provided that such off-site parking is within a reasonable distance of the site using it or, if the site is within an assessment district, within a reasonable distance of the assessment district boundary and approved in writing by the director of planning and community environment. The director shall assure that sufficient covenants and guarantees are provided to ensure use and maintenance of such parking facilities, including an enforceable agreement that any development occurring on the site where parking is provided shall not result in a net reduction



of parking spaces provided, considering both the parking previously provided and the parking required by the proposed use.

(d) In-Lieu Parking Provisions. In connection with any expansion of the supply of public parking spaces within the CD commercial downtown district, the city shall allocate a number of spaces for use as "in-lieu parking" spaces to allow development to occur on sites which would otherwise be precluded from development due to parking constraints imposed by this chapter. Off-site parking on such sites may be provided by payment of an in-lieu monetary contribution to the city to defray the cost of providing such parking. Contributions for each required parking space shall equal the incremental cost of providing a net new parking space in an assessment district project plus cost for the administration of the program, all as determined by the director of planning and community environment, whose decision shall be final. Only sites satisfying one or more of the following criteria, as determined by the director of planning and community environment, shall be eligible to participate in the in-lieu parking program:

1. Construction of on-site parking would necessitate destruction or substantial demolition of a designated historic structure.

2. The site area is less than ten thousand (10,000) square feet and it would not be physically feasible to provide the required on-site parking.

3. The site is greater than ten thousand (10,000) square feet, but of such an unusual configuration that it would not be physically feasible to provide the required on-site parking.

4. The site is located in an area where city policy precludes curb cuts or otherwise prevents use of the site for on-site parking.

5. The site has other physical constraints, such as a high ground water table, which preclude provision of on-site parking without regular pumping of subsoil water or other extraordinary expense.

(e) Underground Parking. Underground parking deeper than two (2) levels below grade shall be prohibited unless a soils report or engineering analysis demonstrates that regular pumping of subsurface water will not be required.

18.48.110 Pedestrian regulations. The pedestrian shopping combining district of chapter 18.47 shall apply to the area of the CD district designated "P" combining district as shown on Map 4 incorporated within this chapter.

18.48.120 Ground floor (GF) regulations. The ground floor regulations are intended to modify the uses allowed in the CD district and subdistricts to allow only retail, eating and service-oriented commercial development on the ground floors. For the purposes of this section, "ground floor" means the first floor which is at or above grade. The ground floor regulations set forth in this chapter shall apply to the area marked "GF" combining district, shown on Map 5 and incorporated in this chapter, and shall apply in lieu of the uses normally allowed in the CD district. All regulations, other than those of use, as set forth in this chapter, shall apply to the underlying districts.

(a) Permitted Uses. On a site in the GF combining district, seventy-five percent (75%) of the developed ground floor area and one hundred percent (100%) of the portion of the developed floor area fronting on streets shall be limited to the following uses:

1. Eating and drinking.
2. Hotels.
3. Personal services.
4. Retail services.
5. Theaters.
6. Travel agencies.
7. Entrance, lobby or reception areas for non-ground floor uses.

All other uses permitted in the underlying district are permitted, provided they are not on the ground floor.

(b) Exception. Any use permitted in the underlying district may apply to the director of planning and community environment for an exception to the permitted ground floor uses if the following conditions are met:



1. The initial application for the exception is made when the vacancy rate for ground floor properties within the GF combining district, as determined by City survey, is five percent (5%) or greater. (The City shall conduct the vacancy rate survey in September of each year.); and

2. The applicant can demonstrate that the ground floor space for which the application is being made has been vacant and available for occupancy six (6) months or more at the time of the application.

When an exception is granted, it shall be granted for a specific use for five (5) years, or for less time if requested by the applicant.

**18.48.130 Historic preservation.** Historic structures or sites designated on the historic inventory and located within the geographical boundaries of the CD commercial downtown district shall be subject to the regulations contained in the historic preservation ordinance, Chapter 16.49 of the Palo Alto Municipal Code.

SECTION 2. The Council hereby finds that the significant adverse environmental effects of this ordinance have either been mitigated, are within the responsibility and jurisdiction of another public agency, or specific economic, social or other considerations make infeasible mitigation measures or alternatives to the ordinance, and that the benefits of this ordinance outweigh the unavoidable adverse environmental effects.

SECTION 3. This ordinance shall become effective upon the commencement of the thirty-first day after the day of its passage, and, upon that day, ordinance numbers 3502, 3570, 3586, 3589, 3625, 3626, 3680 and 3681 imposing, amending and/or extending moratoria in the downtown area shall be repealed.

INTRODUCED: July 14, 1986

PASSED: July 28, 1986

AYES: Bechtel, Cobb, Fletcher, Klein, Levy, Patitucci, Woolley

NOES: None

ABSTENTIONS: None

ABSENT: Renzel, Sutorius

ATTEST:

*Clarence L. Young*  
City Clerk

APPROVED:

*Richard West*  
Mayor

APPROVED AS TO FORM:

*Margaret A. Stoen*  
Sr. Assistant City Attorney

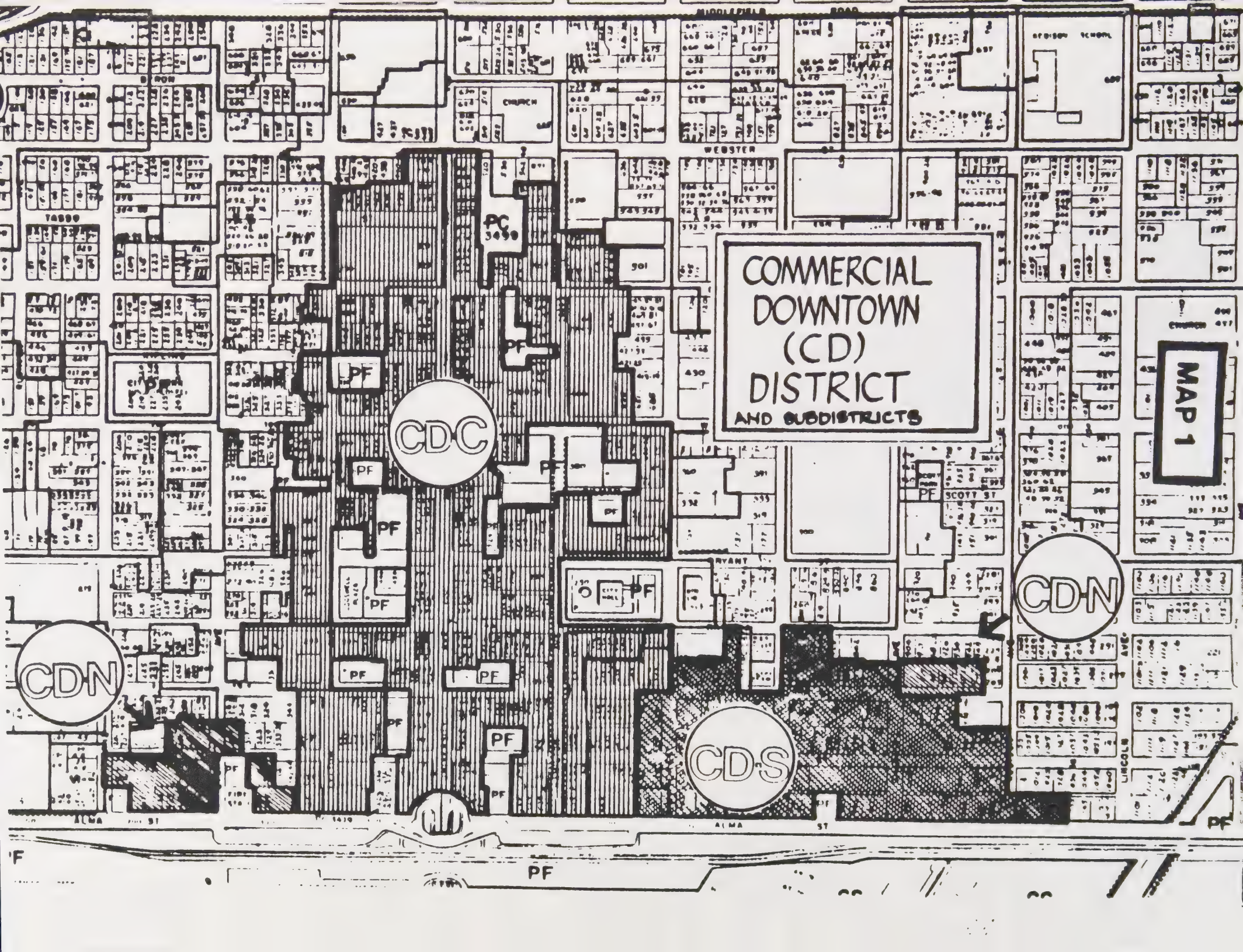
APPROVED:

*William Z...*  
City Manager

*Kenneth P. Schindler*  
Director of Planning and  
Community Environment

*Eugene L. Brown*  
Chief Building Official





COMMERCIAL  
DOWNTOWN  
(CD)  
DISTRICT  
AND SUBDISTRICTS

MAP 1

CDC

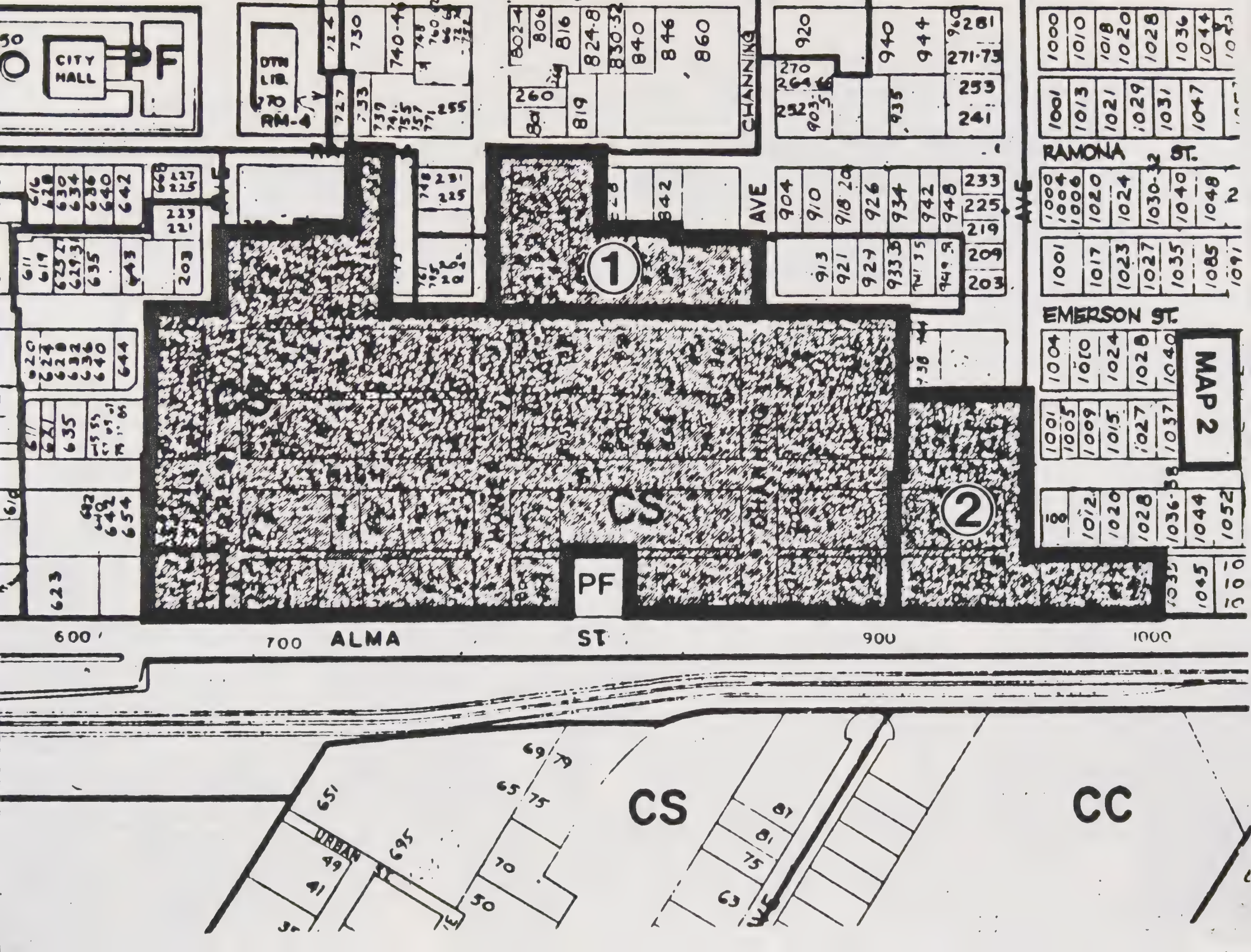
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CDS

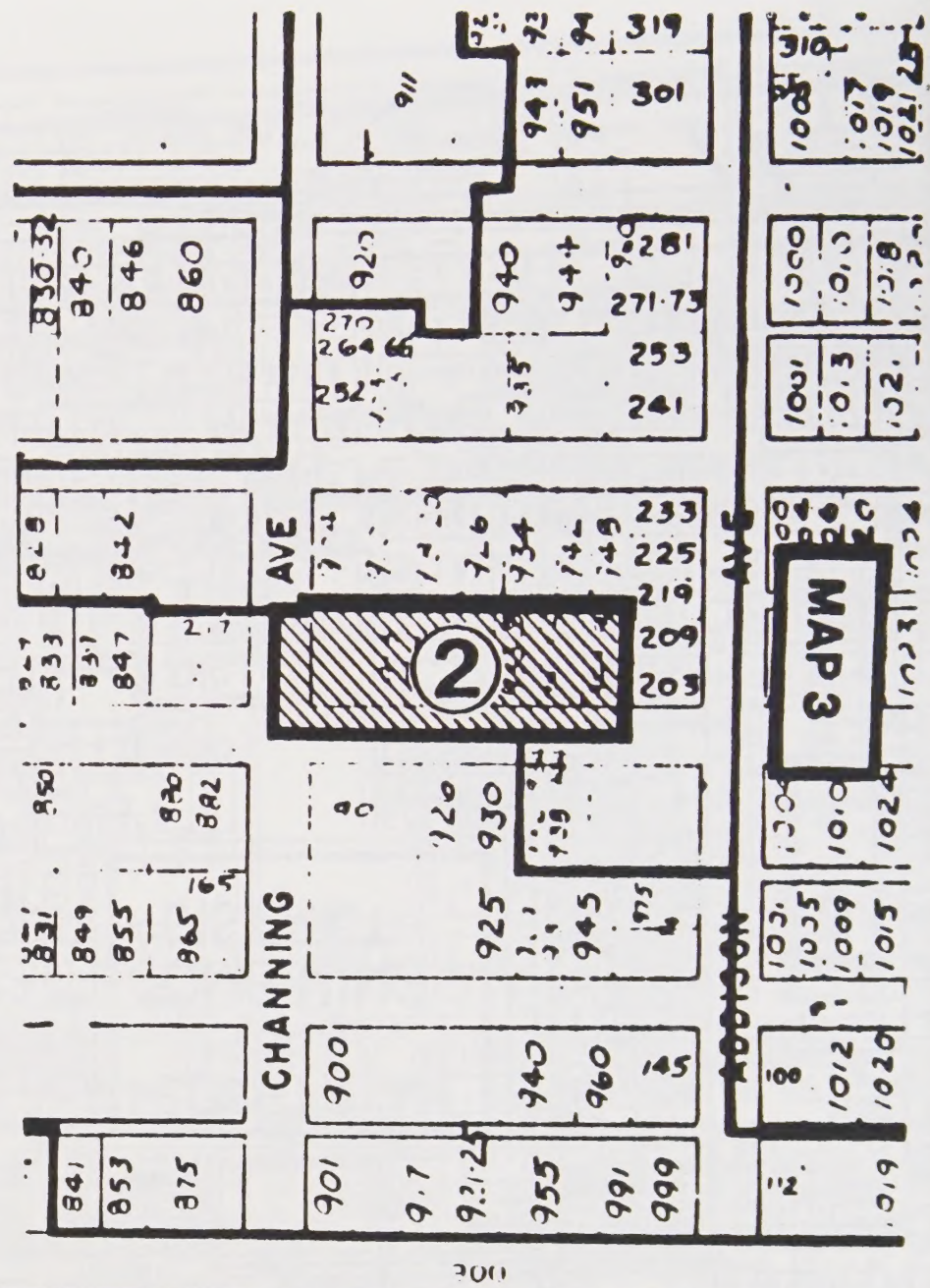
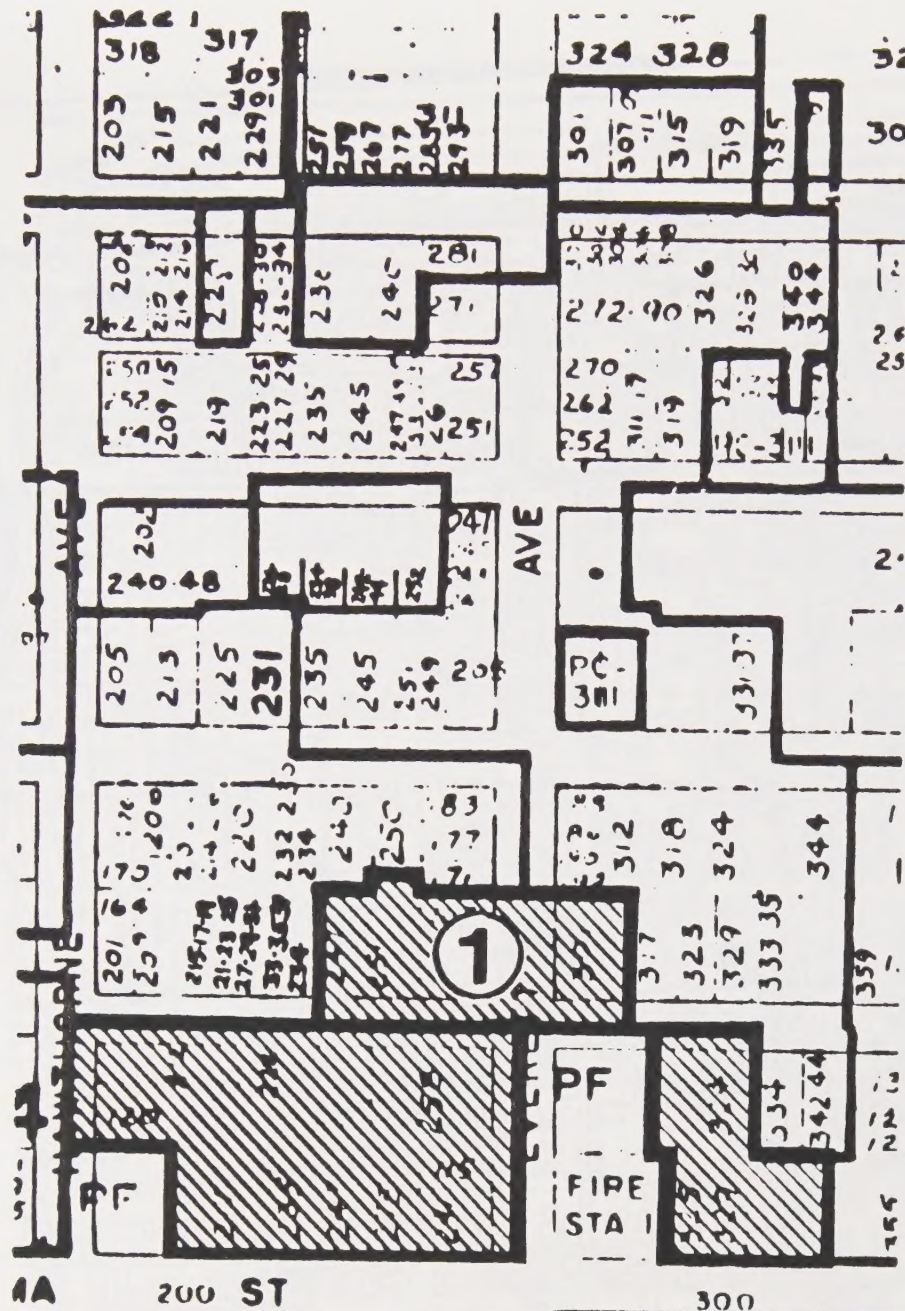
CDN

PF



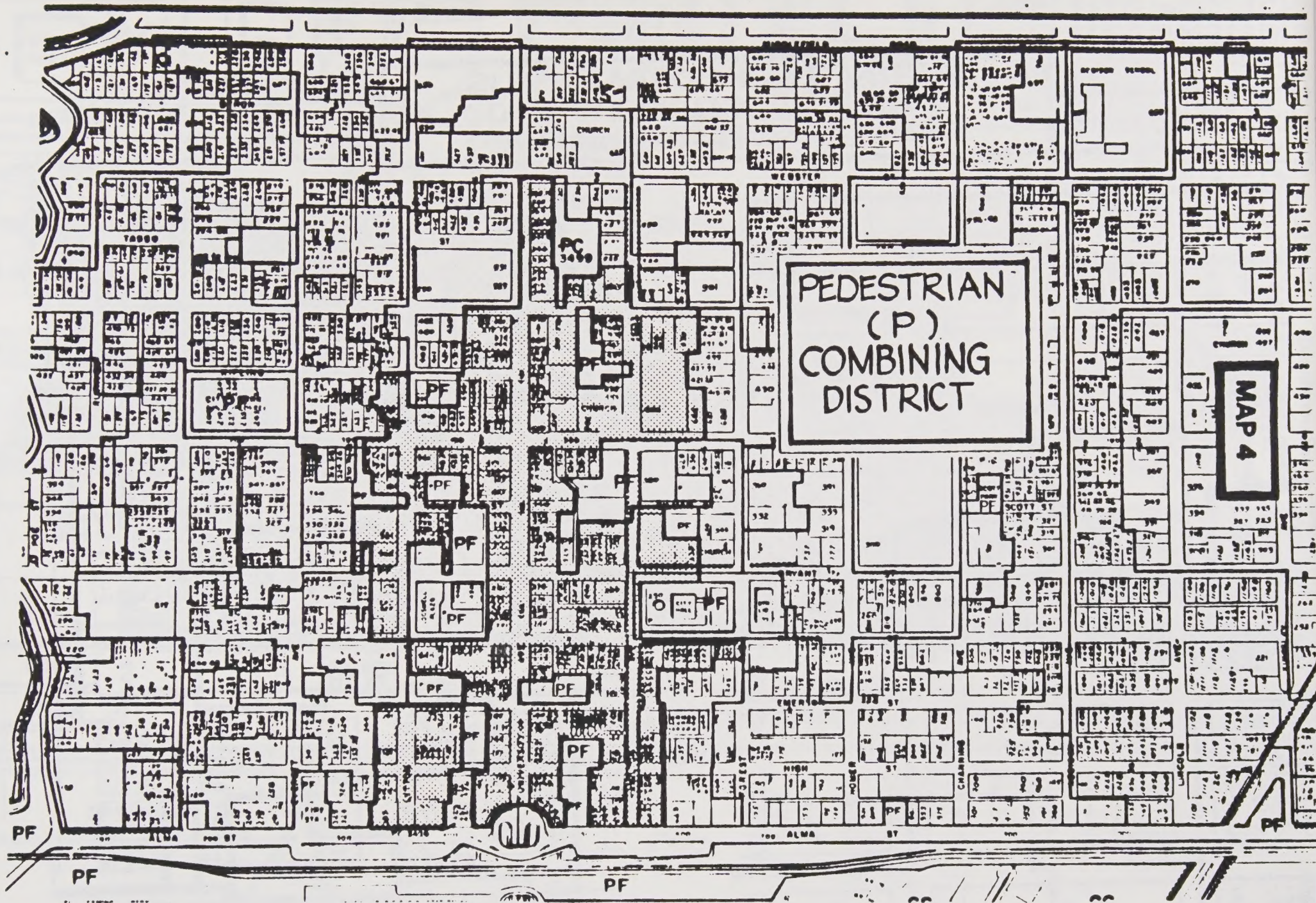






COMMERCIAL DOWNTOWN  
CD-N SUBDISTRICTS AND  
SITE DEVELOPMENT AREAS.





PEDESTRIAN  
(P)  
COMBINING  
DISTRICT

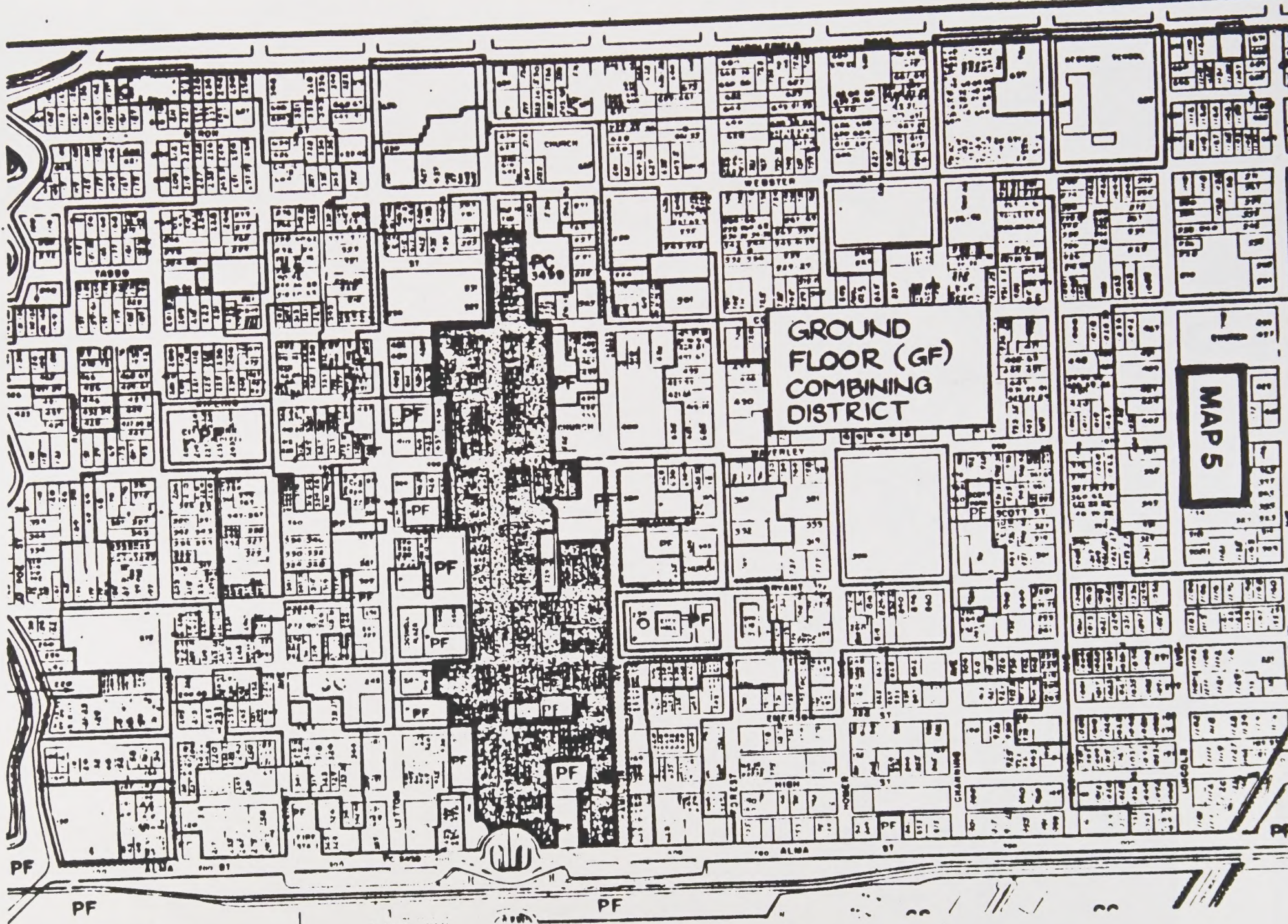
MAP 4

PF

PF

PF





GROUND  
FLOOR (GF)  
COMBINING  
DISTRICT

MAP 5

PF

PF

PF



U.C. BERKELEY LIBRARIES



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